

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Gregg Barrett, AICP
Director, City Planning and
City Planner
Subject: Sifton Properties Limited
221 Queens Avenue
Public Participation Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, Planning and City Planner, the following actions be taken with respect to the application of Sifton Properties Limited relating to the property located at 221 Queens Avenue:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting August 25, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, by extending the Temporary Use (T-69) Zone for a period not exceeding three (3) years.

Executive Summary

Summary of Request

Sifton Properties Limited have requested a Zoning By-law amendment to extend the existing Temporary Use Zone to allow for the continuation of the existing commercial surface parking lot. Based on the demonstrated need for additional parking in the central subareas of Downtown, staff is satisfied that the criteria that relate to the review of the extension for the temporary surface parking lot located at 221 Queens Avenue have been met.

Purpose and the Effect of Recommended Action

The purpose and effect of the requested Zoning By-law amendment is to extend the existing Temporary Use (T-69) Zone to allow for the continuation of the existing commercial surface parking lot on the subject lands for a period not to exceed three (3) years.

Rationale of Recommended Action

1. The proposed amendment is consistent with the PPS, 2020 in that it ensures that sufficient parking is provided in the Downtown which promotes economic development by supporting existing economic activities and businesses that currently rely on this parking supply for workers;
2. The proposed amendment conforms to the 1989 Official Plan, including but not limited to section 4.1.10 which supports the provision of adequate and well-located off-street parking facilities that are sufficient to meet the demand generated by existing and proposed land uses in the Downtown;
3. The proposed amendment conforms to the in-force policies of The London Plan, including but not limited to the Downtown Place Type and the Temporary Use Provisions policies of the London Plan.

1.0 Site at a Glance

1.1 Property Description

The subject site is located on the south side of Queens Avenue, between Clarence Street and Wellington Street in the Central London Planning District. The site is developed as a commercial surface parking lot and is approximately 0.25 hectare in size (0.62 acres). The existing fully paved parking lot contains 65 regular parking spaces plus 2 handicapped parking spaces. All parking spaces are leased on a monthly basis to employees and tenants of surrounding office and commercial premises. Landscaped screening includes deciduous street trees, large bushes, coniferous trees and wrought iron fencing, softening the view of the parking lot from Queens Avenue. Direct vehicular and pedestrian access is provided from and to Queens Avenue.

1.2 Current Planning Information

- Official Plan Designation – Downtown Area
- The London Plan Place Type – Downtown Place Type
- Existing Zoning – Downtown Area (h-3*DA2*D350/T-69)

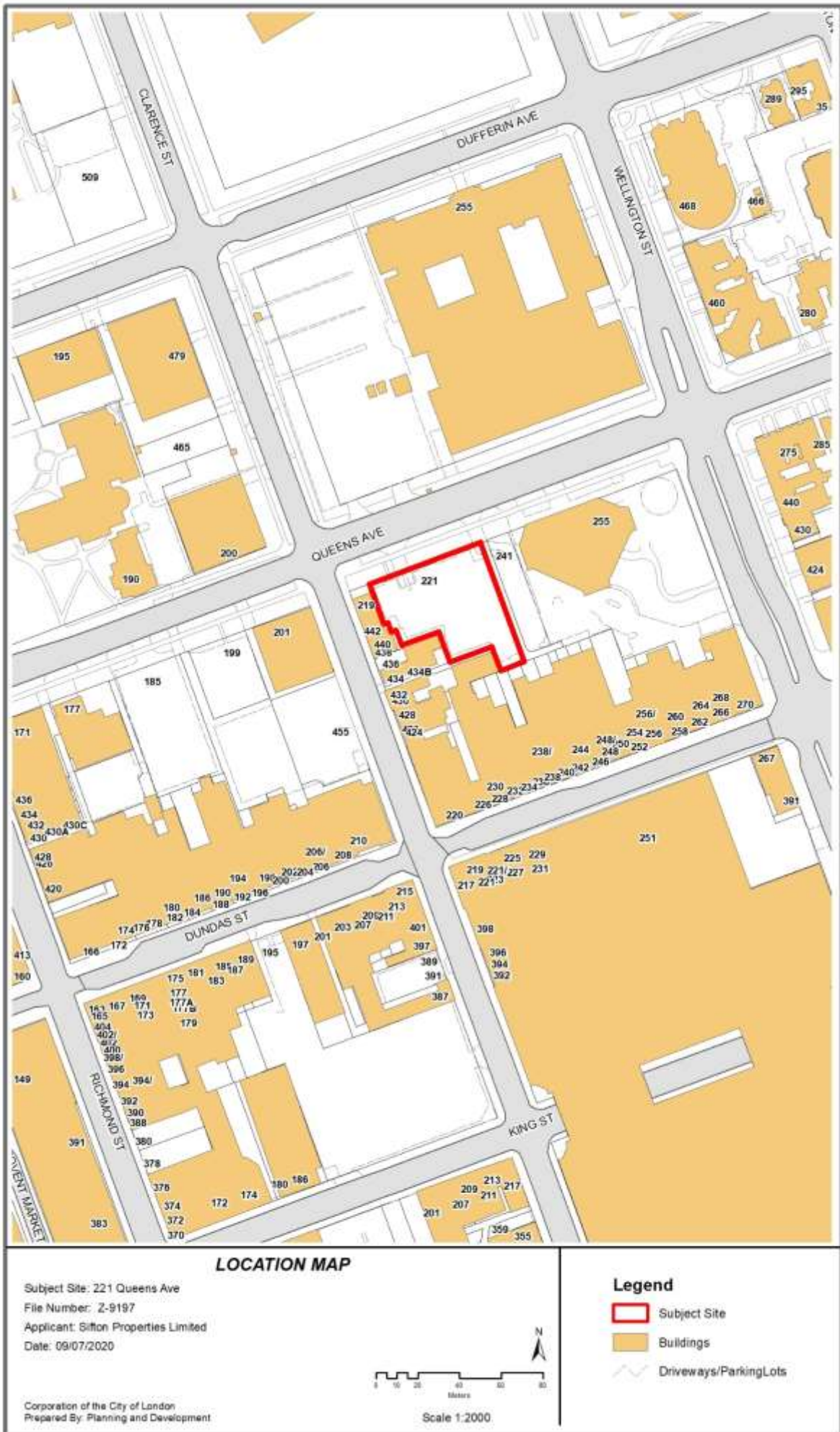
1.3 Site Characteristics

- Current Land Use – Commercial Surface Parking Lot
- Frontage – 56.9 m (186.7 feet)
- Depth – Irregular: ranges from 19.7 to 60.3 m (64.6 to 197.8 feet)
- Area – 2468 sq. m (0.2468 hectare)
- Shape – irregular

1.4 Surrounding Land Uses

- North – Surface parking lot and The Canada Life Assurance Company building
- East – Surface parking lot and One London Place office tower
- South – Variety of office, retail and restaurant uses with some residential above (fronting onto Dundas Street)
- West – Variety of office, retail and restaurant uses with some residential above (fronting onto Clarence Street)

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The applicant is proposing to extend the temporary zone on site to allow for an additional three (3) years of commercial surface parking. The proposed Zoning By-law Amendment would permit continuation of the use of the site as a commercial parking lot, in addition to all other uses currently permitted. No new development is proposed on site. Access to the site will remain from Queens Avenue.

3.0 Relevant Background

3.1 Planning History

The site has been used as a surface parking area for approximately 25 years. In 1995, the commercial building was demolished and in the same year, Council adopted the first Zoning By-law amendment to permit a temporary commercial surface parking lot on the subject property for a period of three (3) years. Between 1995 and now, the property has been subject to periods where the temporary use by-law was expired and not renewed, and has also been the subject of several by-law amendments to re-instate or extend the temporary use zoning.

In 2014, the Planning Committee refused an application by Sifton Properties Limited to allow a permanent commercial surface parking lot, and instead recommended approval of a by-law to re-establish a Temporary Use (T-69) Zone to permit a temporary parking lot use for a period of three years. In 2017, another Zoning By-law amendment was adopted for the continued operation of the existing commercial parking lot use for an additional three years. The T-69 zone for the temporary surface commercial parking lot expired on June 26, 2020.

3.2 Requested Amendment

The applicant is requesting a continuation of the temporary use provisions of the existing Holding Downtown Area Temporary Use (h-3*DA2*D350/T69) to EXTEND the temporary commercial parking lot for an additional three (3) years. The existing range of permitted uses would continue to apply to the site, including retail, office, cultural and entertainment uses, restaurants, apartments, schools, hotels, and commercial parking structures. The holding provision requires a wind impact assessment for any building over 15 meters in height.

3.3 Engagement (see more detail in Appendices B & C)

On May 11, 2020, Notice of Application was sent to 50 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 21 2020. A "Planning Application" sign was also posted on the site.

Nature of Liaison: Possible continuation of the temporary use provisions of the existing Holding Downtown Area Temporary Use (h-3*DA2*D350/T69) to EXTEND the temporary commercial parking lot for an additional three (3) years. The existing range of permitted uses would continue to apply to the site, including retail, office, cultural and entertainment uses, restaurants, apartments, schools, hotels, and commercial parking structures.

There were no major concerns raised by internal staff or agencies. One comment has been received through the public consultation process from a member of the general public. Details about agency and departmental comments can be found in Appendix 'B' and the public comments are in Appendix 'C'.

4.0 Policy Context

The following section highlights the policies that apply to this Zoning By-Law amendment. The specific regulatory analysis regarding temporary uses and parking in the downtown is provided in 5.0 Key Issues and Considerations below.

4.1 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) 2020, provides policy direction on matters of provincial interest related to land use planning and development. All decisions affecting land use planning matters shall be “consistent with” the policies of the PPS.

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It directs cities to make sufficient land available to accommodate this range and mix of land uses to meet projected needs for a time horizon of up to 20 years. The PPS also directs planning authorities to promote economic development, the vitality and viability of Downtowns by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses. Ensuring that sufficient parking is provided in the Downtown supports existing economic activities and businesses that currently rely on this parking supply for workers.

4.2 Official Plan, 1989

The Official Plan for the City of London contains City Council's objectives and policies to guide the short-term and long-term physical development of all lands within the boundary of the municipality. It provides direction for the allocation of land use, provision of municipal services and facilities, and preparation of regulatory by-laws to control the development and use of land. These types of policies are considered necessary to promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The subject lands are designated Downtown in the 1989 Official Plan. The Downtown designation is distinguished from other areas of the City by its concentration of employment and its intensive, multi-functional land use pattern. It is intended that the Downtown will continue to be the major office employment centre and commercial district in the city, and that its function as a location for new medium and high density residential development will be strengthened overtime. Section 4.1.10 of the Official Plan supports the provision of adequate and well-located off-street parking facilities that are sufficient to meet the demand generated by existing and proposed land uses in the Downtown.

Temporary Surface Parking in the Downtown

The plan outlines that the creation of new permanent surface level commercial and/or accessory parking lots within the Downtown will be discouraged (4.1.10.iv). However, a gradual approach to the discontinuation of temporary surface parking lots should be taken. The Downtown policies include criteria to assist in the evaluation of both applications for temporary zoning to permit surface commercial parking lots and applications for extensions to temporary zoning to permit surface commercial parking lots (4.1.10iv).

The following criteria is provided to evaluate the appropriateness of a new or extended temporary commercial surface parking lot:

- 1. The demonstrated need for surface parking in the area surrounding the subject site. Utilization rates for sub-areas of the Downtown may be used to evaluate this need.*
- 2. The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.*
- 3. The size of the parking lot, recognizing a goal of avoiding the underutilization of Downtown lands.*

4. *The length of time that the surface commercial parking lot has been in place, recognizing it is not intended that temporary uses will be permitted on a long term basis.*
5. *Applicable guideline documents may be used to provide further, more detailed, guidance in applying these policies.*
6. *Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.*
7. *Where Council does not wish to extend the temporary zoning for a surface commercial parking lot a short-term extension of the temporary zone may be permitted for the purpose of allowing users of the lot to find alternative parking arrangements.*

Evaluation of the subject site using the Temporary Surface Parking criteria is provided below in 5.0 Key Issues and Considerations.

4.3 The London Plan, 2016

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies and maps that are under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) are not in force and effect, and are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The subject site is in the Downtown Place Type of The London Plan on a Civic Boulevard, as identified on Map 1* — Place Types and Map 3* — Street Classifications. The vision for the Downtown allows for the broadest range of uses and the most intense forms of development in the City, within highly-urban, transit-oriented environments (798_). Queens Avenue is also identified as part of the Downtown Transit Loop, which will enhance Downtown as a critical hub for local transit and will serve as a connection point for bus service across the City.

Temporary Use Provisions (General)

The Our Tools policies of The London Plan provide guidance for temporary uses, in general, and provides criteria for the evaluation of all temporary uses (1672_). This criteria is carried over from the 1989 Official Plan with the addition of two additional considerations.

The following criteria is provided to evaluate the appropriateness of a temporary use:

1. *Compatibility of the proposed use with surrounding land uses.*
2. *Any requirement for temporary buildings or structures in association with the proposed use.*
3. *Any requirement for temporary connection to municipal services and utilities.*
4. *The potential impact of the proposed use on mobility facilities and traffic in the immediate area.*
5. *Access requirements for the proposed use.*
6. *Parking required for the proposed use, and the ability to provide adequate parking on-site.*
7. *The potential long-term use of the temporary use.*
8. *In the case of temporary commercial surface parking lots in the Downtown, the impact on the pedestrian environment in the Downtown.*
9. *The degree to which the temporary use may be frustrating the viability of the intended long-term use of the lands.*

Evaluation and analysis of the subject site using the above criteria is provided below in 5.0 Key Issues and Considerations.

Temporary Surface Parking in the Downtown

The Downtown Place Type policies discourage the extension of temporary surface commercial parking lots that have been in place for an extended period of time, where an adequate supply of parking exists in the vicinity of the subject lot (800_5*).

As of the time this report was written, new amendments to the Downtown Place Type policies and the Our Tools – Temporary Use Provisions policies were approved by Council on July 21, 2020, but are still within the statutory appeal period (800_5* and 1673A*, respectively). This was done as part of a ‘housekeeping’ amendment for The London Plan.

The nature of the Place Type policy in section 800_5* is to point to Our Tools for criteria to aid in the evaluation of applications for temporary commercial surface parking lots in the Downtown.

The criteria added to The London Plan is the same as in the 1989 Official Plan policies listed above, which are in force and effect. The evaluation and analysis of the subject site is provided below in 5.0 Key Issues and Considerations.

4.4 Our Move Forward – London’s Downtown Plan

London’s City Council adopted *Our Move Forward: London’s Downtown Plan*, on April 14, 2015 as a guideline document under Chapter 19 of London’s 1989 Official Plan and has been carried forward in Our Tools policy 1717_ of The London Plan. The document identifies a number of strategic directions and “transformational projects”, along with implementation tools to assist in retaining and attracting businesses and investment to the downtown. Planning objective 5: “Build a great neighbourhood” encourages the redevelopment of vacant sites to increase the resident and worker population downtown by discontinuing temporary-use zoning on these sites (5.2, p. 63).

On May 8, 2018, Council resolved to add additional guidance to the Downtown Plan in regards to temporary surface parking lots, which included criteria for the evaluation of planning and development applications, as well as design considerations.

The following criteria is provided to evaluate the physical design of surface parking lots in the downtown:

- 1. Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.*
- 2. The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.*
- 3. The location, configuration and size of the parking area will be designed to support the provision of, and enhance the experience of pedestrians, transit users, cyclists and drivers.*
- 4. The impact of parking facilities on the public realm will be minimized by strategically locating and screening these parking areas. Surface parking should be located in the rear yard or interior side yard.*
- 5. Surface parking lots should be designed to include a sustainable tree canopy with a target of 30% canopy coverage at 20 years of anticipated tree growth.*
- 6. Surface parking located in highly-visible areas should be screened by low walls and landscape treatments.*
- 7. Lighting of parking areas will be designed to avoid negative light impacts on adjacent properties.*
- 8. Large surface parking lots shall be designed with areas dedicated for pedestrian priority including landscaping to ensure safe pedestrian connectivity throughout the site. Surface parking areas will be designed to incorporate landscape/tree islands for visual amenity and to help convey stormwater and reduce the heat island effect.*
- 9. Large surface parking areas will be designed to incorporate low impact development measures to address stormwater management.*

The evaluation of the subject site against the Downtown Plan design criteria is provided below in 5.0 Key Issues and Considerations.

4.5 The Downtown Parking Strategy, 2017

The provision, management and supply of parking was identified as an area of special relevance to the successful implementation of *Our Move Forward: London's Downtown Plan*. The *Downtown Parking Strategy* was completed in 2017 and included a review of existing parking conditions and future development potential based upon the direction of *The London Plan*, the *2030 Transportation Master Plan* and other relevant policy documents. The long-term goals of the abovementioned plans are to achieve a decrease in single occupant vehicle travel into the Downtown that will in turn reduce the long term need for parking, particularly employee and commuter related parking. The key to the future success of the downtown will be the replacement of existing surface parking lots with new developments.

Determining how much parking is necessary for the functional and economic viability of downtown, as well as the manner and location in which the parking is provided, are key considerations coming out of the *Downtown Parking Strategy* study. Determining how much parking is required, how it is provided, what role the City should play in meeting future parking demand, the financial implications associated with providing new parking and the most appropriate municipal service delivery model to employ in order to maximize the return on investment of public funds are critical considerations in the development of a future Parking Management Strategy for the downtown.

This Zoning By-law amendment application comes ahead of the development of a comprehensive Parking Management Strategy, which would provide direction on the future parking needs in the downtown.

5.0 Key Issues and Considerations

Key Consideration # 1: Demonstrated Need for Parking

The Downtown Parking Strategy, 2017

The Council-approved *Downtown Parking Strategy* study provides direction on utilization rates of existing surface commercial parking lots operating in six sub-areas of the Downtown (figure 1). The *Downtown Parking Strategy* provides a number of recommendations for how the City should manage surface commercial parking lots in the downtown. One of these recommendations is a gradual approach to discontinuing temporary zone permissions for surface parking lots where utilization is low. The subject property is in sub-area 4, which has a high utilization rate of 81%.

To put this into perspective, 90% utilization is considered a maximum practical occupancy level at which there is still sufficient available parking across downtown, however certain areas may require drivers to search more for available parking and accept longer walking distances.

It should be noted that the occupancy rates in the central zones 3 & 4 are at 89% and 81% respectively, which may be making it difficult for visitors to conveniently find parking in these areas.



Figure 1: Parking utilization by sub-area, based on 2014 data.

In order to understand the potential parking implications associated with new development, an estimate of future parking supply and demand across the downtown study area has been created by using future growth estimates based on the 2014 Development Charges study. While the estimates should be viewed as approximate, they do serve to provide an indication of the potential parking challenges associated with meeting the City's desired development goals and objectives for the downtown as described in various planning documents.

An important factor regarding future parking requirements is the expected decrease in auto person trips from the existing level of 73.5% to 64% by year 2034 due to the substantial investment in new Bus Rapid Transit (BRT) service approved by Council. The expected increase in transit use equates to a decrease in parking demand of approximately 13%. Based on the estimated transportation mode split of 64% auto person use by 2034, subarea 4 will have a projected parking supply deficit of 65 spaces by 2034.

Rapid Transit

The *Rapid Transit Environmental Project Report* was approved in 2019 and the detailed design for the Downtown Loop is currently underway. The detailed design for the East and South corridors are also underway. Investment is being made to cycling infrastructure including the implementation of an east-west cycle track on Dundas Street and improved connection to the Thames Valley Parkway. While these project aim to shift mode-share away from automobiles, they will take time to fully implement. The construction of Rapid Transit is scheduled over multiple years, starting in 2021. Until the system is in place, there will still be demand for parking for both employees and customers in the Downtown. Similarly, at this time no public parking facilities are planned or have been developed in the area. If no extension is provided for the temporary use of the parking lot at 221 Queens Ave, the shortage of parking downtown could be exacerbated.

Parking requirements for 221 Queens Avenue

Sifton Properties Limited has provided an estimate of their parking requirements and utilization of the site. The parking lot, located at 221 Queens Avenue, provides parking for three office buildings owned by the applicant: 195 Dufferin Ave., 200 Queens Ave. and 171 Queens Ave. The applicant estimates that the lot assists in providing parking for roughly 7.4% of employees in these three buildings. Overall, less than 30% of all employees are provided with parking on-site or in this lot. The applicant argues that the temporary zoning needs to be extended to continue to serve these employees and to maintain contractual obligations.

Based on the parking utilization data from 2014 and the rationale given by the applicant, it can be concluded that there is a demonstrated need for surface parking in sub-area 4. Although it is not intended to permit temporary uses for a long time, the Parking Strategy recommends a gradual approach to the discontinuation of temporary zone permissions, particularly in sub-areas of high demand. Since additional parking facilities and the implementation of Rapid Transit will not be completed in the short-term, staff is recommending to extend the temporary zone until additional facilities are provided. Given that the parking lot has existed since 1995 and has significant screening with a low impact on the streetscape, staff is satisfied that the requested extension of the temporary zone on site to allow for an additional three (3) years of surface commercial parking is appropriate.

Key Consideration # 2: Temporary Uses (General)

The London Plan provides Key Directions that must be considered to help the City effectively achieve its vision for a highly urban and transit-oriented Downtown. The following uses may be permitted within the Downtown: *a broad range of residential, retail, service, office, cultural, institutional, hospitality, recreational and other related uses may be permitted in the Downtown Place Type (800_).*

The London Plan policy 800_4* identifies that new accessory parking lots should not be permitted in the Downtown and new surface commercial parking lots shall not be permitted. Policy 800_5* states that *Where surface commercial parking lots have previously been established through temporary zoning and have been in place for an extended period of time, further extensions of such temporary uses should be discouraged where an adequate supply of parking exists in the vicinity of the subject lot.* [Emphasis added].

As demonstrated in Consideration #1 above, there is not an adequate supply of parking in this particular area of the Downtown. In that case, The London Plan policies allow Council to enact temporary use by-laws, and also generally discourages the long term extension of temporary uses. However, it supports a pragmatic approach to evaluating the appropriateness of temporary uses based on site-specific context and criteria (1672_). An analysis of the subject site in relation to the temporary use provisions criteria is provided below.

The site fits reasonably well within the surrounding neighbourhood, adjacent uses in the north and east are also surface parking lots (#1). The parking lot is existing and no additional buildings, structures or connections to municipal services are proposed (#2 & #3). The parking lot is located mid-block with existing vehicular and pedestrian access from Queens Ave. The applicant is not proposing to increase the capacity of the lot, or provide any additional accesses, therefore there will be no additional impact on traffic or the streetscape (#4, #5 & #6).

While the existing surface parking lot has been operating for a number of years, there is a demonstrated need for parking in this area as illustrated in the *Downtown Parking Strategy* study and discussed above in this report (#7).

With respect to the additional consideration of the impact on the pedestrian environment, the existing parking lot layout provides two suitable and easily identified pedestrian accesses to the sidewalk on Queens Avenue. The existing landscape elements (both City assets and private facilities) including trees, bushes and wrought iron fencing screen the view of parked cars from the street, provide a pleasant and shaded environment for pedestrians passing the site (#8).

Finally, respecting the degree to which the temporary use may be frustrating the viability of the intended long-term use of the lands, the Planning Justification Report submitted by Sifton Properties states that *“redevelopment of the property for other uses such as commercial or residential high-rise is somewhat constrained by both the small size and irregular shape of the lot which would make it challenging to develop when considering setback, access, parking and other zoning and site plan requirements”*, leading staff to

believe the owner does not have plans to consolidate land in order to redevelop the site at this time. To not grant a renewal of the Temporary Use (T-69) Zone will not encourage the abandonment of the commercial surface parking lot in the short term (#9).

Key Consideration # 3: Criteria for Temporary Commercial Surface Parking Lots in the Downtown

Both the Downtown designation in the 1989 Official Plan, and Downtown Place Type in The London Plan encourage retail and service facilities at street level to contribute to a pedestrian-oriented shopping environment. Surface parking lots are discouraged. However, both plans support the provision of adequate and well-located off-street parking facilities that are sufficient to meet the demand generated by existing and proposed land uses in the Downtown, and provide criteria for the evaluation of applications for new or extensions to existing temporary commercial surface parking lots. These criteria are identical in both plans, and provided above in section 4.2 (1989 Official Plan policy 4.1.10iv and London Plan 1673A*). An analysis of the seven criteria is provided below.

As noted in Consideration #1 above, the site is located in subarea 4 of the *Downtown Parking Strategy* study, where the parking utilization rate was the second highest (81%). A healthy utilization rate is 71%. Based on the estimated transportation mode split by 2034, subarea 4 will have a projected parking supply deficit of 65 spaces by 2034. This demonstrates a need for parking in this area (#1).

The site contains enhanced landscaping by way of a grass boulevards, shrubberies and mature coniferous and deciduous trees, as well as a wrought iron fence. This enhanced landscaping helps to create a streetwall and lessen the impacts of the parking lot on the public realm (#2). With a size of roughly 0.25 hectare (2468 sq. m), the parking lot is relatively small and of an irregular configuration. This shape would make it more challenging to develop for alternative uses without the consolidation of other properties. There is still future potential for a comprehensive development on the subject site in the long-term (#3).

The surface parking lot has been in place for 25 years, serving tenants' employees in the surrounding Sifton office buildings for the duration. While the temporary zoning on the property has been extended a number of times, there is an evident need for parking to support surrounding offices in close proximity to this location.

The applicant provided an estimate of their parking requirements with currently fewer than 30% of employees provided with parking either on-site or in this lot. There are limited opportunities for users to find alternative arrangements (#4).

Our Move Forward: London's Downtown Plan was adopted under Chapter 19 of the 1989 Official Plan as a guideline document. Planning Policy 5.2 in the Tools section of the plan states: "Encourage the redevelopment of vacant sites to increase the resident and worker population downtown by discontinuing temporary-use zoning on these sites". In May 2018, this section was amended to add planning and design criteria specific to create a safe, attractive pedestrian environment. This criteria is addressed under Consideration #4 below (#5).

A Site Plan approval was obtained in 1995 when the lot was originally established. As this application is to maintain the surface parking lot in its current state, there is no need to alter the existing Site Plan (#6).

Finally, should Council choose to not approve this Zoning By-law amendment, a short-term extension is recommended to allow users to find alternative parking (#7).

Considering the above, the application to extend the Temporary Zone meets the criteria for temporary commercial surface parking lots in the downtown (1989 Official Plan policy 4.1.10iv and London Plan 1673A*).

Key Consideration # 4: Parking Lot Design

In May 2018, Council resolved that design criteria be added to *Our Move Forward: London's Downtown Plan* to assist in the planning and design of surface parking lots, when they are deemed to be appropriate in the Downtown, given the other evaluation criteria of the Official Plan (1989 Official Plan section 4.1.10iv; London Plan policy 1673A*).

The subject site is a temporary surface commercial parking lot that has been in place for almost 25 years. Site Plan approval was obtained in 1995 when the lot was originally established (#1). The site fits reasonably well within the surrounding neighbourhood, adjacent uses in the north and east are also surface parking lots. The parking lot is adequately screened from the streetscape by shrubberies, a grass boulevard and mature coniferous and deciduous trees (#2) The parking lot supports all users as it is well screened, is small in size (0.25 ha) and has appropriate signage to direct users, contributing to a positive streetscape environment along Queens Ave (#3).

The site is located mid-block, which allows for the properties and buildings at the street intersections to create a strong streetwall or edge, as well as partially screening the parking lot from both the east and west approaches. A wrought iron fence and landscape act as a continuation of the streetwall along Queens Ave. (#4 & #6). The existing lighting is directed downward and does not cause negative impacts on surrounding uses (#7).

Convenient pedestrian connections for users have been provided to the parking lot. There are two sidewalk connections that connect the parking lot to Queens Ave. As the parking lot is not large and most parking rows are relatively short, no internal sidewalks are provided. Pedestrians can easily navigate to Queens Ave. as it is visible and only a short distance from all areas of the lot (#8).

The site has not been designed to include a sustainable 30% tree canopy coverage, as no trees were planted when the parking lot was initially constructed (#5). Similarly, the site does not have landscaped islands or other low impact development (LID) measures except a small grass boulevard (#9). The Site Plan approval was given over 20 years ago when these elements were not required. The Applicant also notes that it would be very difficult to plant trees or incorporate LIDs at this time without undertaking a full reconstruction of the parking lot and losing parking spaces. Additionally, the long-term vision is to have this property redeveloped, at which time on-site trees and landscape features would have to be removed.

The existing design of the surface parking lot complies with the criteria from section 5.2 *Our Move Forward – London's Downtown Plan*, with the exception of tree canopy cover and low impact development measures for stormwater management. Staff are satisfied that due to the small size and configuration of the property, the existing Site Plan approval, and the long-term intent of the property to be redeveloped, these considerations are not as critical.

5.0 Conclusion

The recommended extension of the temporary zone for 221 Queens Ave. is consistent with the PPS in regards to ensuring sufficient land to accommodate a mix and range of uses, and to promote economic development and the vitality and viability of downtowns. It conforms to the 1989 Official Plan policies, including but not limited to the Downtown designation and the criteria for evaluating temporary commercial surface parking lots (4.1.10iv). It conforms to the in-force policies of The London Plan, including the criteria for evaluating temporary uses (1671_).

These provisions do not permit new surface commercial parking lots, and the extension of temporary zoning on existing surface commercial parking lots is discouraged. However, as there is a demonstrated need for additional parking in the central subareas, a gradual approach to the discontinuation of temporary zone permissions for

temporary surface commercial parking lots in Downtown London is recommended. Staff is satisfied that the criteria that relate specifically to the review of the extension for temporary surface parking lot 221 Queens Avenue have been met and will facilitate the necessary parking downtown. The recommended Zoning By-law amendment will allow for the temporary extension of an existing surface commercial parking lot which is compatible with surrounding land uses.

Prepared by:	Isaac de Ceuster, M.Sc. Planner I, Urban Regeneration
Recommended by:	Britt O'Hagan, MCIP RPP Manager, City Building & Design
Submitted by:	Gregg Barrett, ACIP Director, City Planning & City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

August 5, 2020

cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

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Appendix "A"

Bill No.(number to be inserted by Clerk's Office)
2020

By-law No. Z.-1-20_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 221 Queens Avenue.

WHEREAS Sifton Properties Limited has applied to extend the Temporary Use (T-69) Zone as it applies to lands located at 221 Queens Avenue for a period not to exceed three (3) years;

AND WHEREAS the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-172590 approved the Temporary Use for 221 Queens Avenue for a period not exceeding three (3) years beginning June 26, 2017.

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Section Number 50.2.(69) of the Temporary Use (T) Zone is amended by adding the following subsection for the property known municipally as 221 Queens Avenue:

54) T-69

This Temporary Use is hereby extended for an additional three (3) years beginning August 25, 2020.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on August 25, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 25, 2020
Second Reading – August 25, 2020
Third Reading – August 25, 2020

Appendix B – Agency/Departmental Comments

Heritage Planning

There are no heritage planning or archaeological requirements associated with this application.

Urban Design

There are no urban design comments for the proposal summary at 221 Queens Avenue as the current proposal is to extend the Temporary Zone to permit a surface commercial parking lot. If there are any proposed changes to the site and it is determined that a Site Plan application is required then urban design related comments may follow through that process.

Parks Planning and Design

Parkland dedication has not been collected for the subject lands. Parkland dedication requirements will be deferred to future development.

Transportation Planning

Queens Avenue north of the subject site has been identified as a rapid transit corridor in the Shift Rapid Transit Environmental Assessment (EA). The final rapid transit corridor alignment, access management, and road widening dedication requirements are subject to finalization and approval of the EA. For information regarding the ongoing rapid transit EA please use the following web link: <https://www.londonbrt.ca>.

Council has recently approved the downtown parking strategy, one of the key recommendations of the downtown parking strategy is for a gradual approach to the discontinuation of temporary zone permissions for temporary surface commercial parking lots. This property is located in sub area 4 where the current parking utilization rate is 81%. Details regarding the downtown parking strategy please use the following web link: <https://www.london.ca/residents/Roads-Transportation/Transportation-Planning/Pages/Parking-Strategy.aspx>

Waste Water and Drainage Engineering

No Comments.

Stormwater Engineering

The Applicant shall be advised that the site is located within the Central Subwatershed and due to the 65 existing at grade parking spaces, City strongly encourages the applicant to implement on-site quality controls that will meet the 70% TSS criteria of the MECP and Central Subwatershed study.

London Hydro (External)

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Upper Thames River Conservation Authority (External)

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006). These policies include regulations made pursuant to Section 28 of the Conservation Authorities Act, and are consistent with the natural hazard and natural heritage policies contained in the Provincial Policy Statement (2014). The Upper Thames River Source Protection Area Assessment Report has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

CONSERVATION AUTHORITIES ACT

The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the Conservation Authorities Act.

DRINKING WATER SOURCE PROTECTION: Clean Water Act

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at: <https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

RECOMMENDATION

The UTRCA has no objections to this application and a Section 28 permit will not be required. Thank you for the opportunity to comment.

Appendix C – Public Comments

One public comment was received on July 13th, 2020:

Hello!

I would like to comment on the Temporary Zoning By-law Amendment for 221 Queens Avenue (File No. TZ-9197).

I would like to see the site NOT be able to continue operation as a surface parking lot. As I'm sure everyone in the Planning department is well aware, the City of London has numerous policy directions and Council decisions that give direction for a more walking city and a more walkable downtown (The London Plan, Complete Streets Design Manual, London's Downtown Plan). We all know these goals are achieved through mixed-use developments and residential density. A surface parking lot like the one at 221 Queens Avenue that only serves people who commute by car, leaving the parking lot unavailable and vacant during the evenings and weekends, is really doing the opposite of encouraging walkability and a vibrant downtown.

Thank you for accepting my comment!

Skylar Oldreive